IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4688 of 2007()

ST.5033/2005 of J.M.F.C.,VADAKKANCHERRY

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PETITIONER/1ST ACCUSED:

T.K. NARAYANAN, S/O. KRISHNAYYAR,
AGED 36 YEARS, VRINDAVANAM, PAMBADI WEST,
THIRUVILVAMALA, THRISSUR DISTRICT.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4688 of 2007

Dated this the 3rd day of August, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Sections 447 and 427 I.P.C. Investigation is complete. Final report has already been filed. Cognizance has been taken. Consequent to non appearance of the petitioner before the learned Magistrate, the learned Magistrate has issued a non bailable warrant to procure the presence of the petitioner. The petitioner finds the warrant of arrest issued by the learned Magistrate chasing him.

2. According to the petitioner, he is innocent. His absence was not wilful. The petitioner is willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 438 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not

consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application for anticipatory bail is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-